

## SENATE BILL No. 246

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-50-2-1.8; IC 35-50-2-8.5; IC 35-50-6-8.

**Synopsis:** Life imprisonment for repeat sex offenders. Allows the state to seek a sentence of life imprisonment without parole for an offender who: (1) commits a Class A felony or Class B felony constituting a sex offense against a child; and (2) has a prior Class A felony or Class B felony conviction of a sex offense against a child. Specifies that a person serving a sentence of life imprisonment without parole does not earn credit time.

**Effective:** July 1, 2004.

**Waterman**

January 8, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 246

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-50-2-1.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2004]: **Sec. 1.8. As used in this chapter, "sex offense against a**  
4 **child" means an offense under IC 35-42-4 that is committed**  
5 **through an action involving the offender and a person less than**  
6 **eighteen (18) years of age.**

7       SECTION 2. IC 35-50-2-8.5 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8.5. (a) The state may  
9 seek to have a person sentenced to life imprisonment without parole for  
10 any felony described in section 2(b)(4) of this chapter by alleging, on  
11 a page separate from the rest of the charging instrument, that the person  
12 has accumulated two (2) prior unrelated felony convictions described  
13 in section 2(b)(4) of this chapter.

14       (b) **The state may seek to have a person sentenced to life**  
15 **imprisonment without parole for a Class A felony or Class B felony**  
16 **under IC 35-42-4 that is a sex offense against a child by alleging, on**  
17 **a page separate from the rest of the charging instrument, that the**

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1 **person has a prior unrelated Class A felony or Class B felony**  
 2 **conviction under IC 35-42-4 of a sex offense against a child.**

3 (c) If the person was convicted of the felony in a jury trial, the jury  
 4 shall reconvene to hear evidence on the life imprisonment without  
 5 parole allegation. If the person was convicted of the felony by trial to  
 6 the court without a jury or if the judgment was entered to guilty plea,  
 7 the court alone shall hear evidence on the life imprisonment without  
 8 parole allegation.

9 ~~(c)~~ (d) A person is subject to life imprisonment without parole if the  
 10 jury (in a case tried by a jury) or the court (in a case tried by the court  
 11 or on a judgment entered on a guilty plea) finds that the state has  
 12 proved beyond a reasonable doubt that the person:

13 (1) has accumulated two (2) prior unrelated convictions for  
 14 offenses described in section 2(b)(4) of this chapter; or

15 (2) **has a prior unrelated Class A felony or Class B felony**  
 16 **conviction under IC 35-42-4 of a sex offense against a child.**

17 ~~(d)~~ (e) The court may sentence a person found to be subject to life  
 18 imprisonment without parole under this section to life imprisonment  
 19 without parole.

20 SECTION 3. IC 35-50-6-8 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 22 1, 2004]: **Sec. 8. A person serving a sentence of life imprisonment**  
 23 **without parole under IC 35-50-2-3, IC 35-50-2-8.5, or IC 35-50-2-9**  
 24 **does not earn credit time under this chapter.**

25 SECTION 4. [EFFECTIVE JULY 1, 2004] **IC 35-50-2-8.5, as**  
 26 **amended by this act, applies only to offenses committed after June**  
 27 **30, 2004.**

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